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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/848,810

05/19/2004

Ulrich Emmerling

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07/11/2006

BAKER BOTTS L.L.P.  
PATENT DEPARTMENT  
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AUSTIN, TX 78701-4039

EXAMINER

RUTLAND WALLIS, MICHAEL

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/848,810

Applicant(s)

EMMERLING ET AL.

Examiner

Michael Rutland-Wallis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/19/04 11/21/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the diagnosis and evaluation unit must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

The drawings are objected to because the empty boxes of figure 1 should be labeled control device, ignition lock and door locking system. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janssen (U.S. Pat. 6,958,551).

With respect to claims 1 and 6 Janssen teaches a device for protecting a motor vehicle against theft, comprising: an Identification device holder (item 30) which is connected via a first line to an energy supply (5 volts see Fig. 7) and comprises a first switch (item 31), a resistance network (item 41) arranged in the first line of which the elements comprise a defined resistance encoding (column 7 lines 25-35), and a control unit (item 46 also taught to be a microcontroller see column 7 lines 35-45) arranged in a motor vehicle, which comprises a diagnosis and evaluation unit which is connected to at least one tap (item 51) of the resistance network and which, evaluates the voltage drops over the elements of the resistance network and, depending on this, makes a distinction

between a correct Access authorization, a fault in the energy supply or the first line, and an external manipulation of the identification device holder. Janssen does not teach the use of the second switch to enable the measurements of the resistor values. Janssen instead teaches in column 7 lines 35-45 the microprocessor is used to sample the voltage signal output from the resistor and compare the sample voltage to the expected. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Janssen to use a hardware switch in the place of the software sampling taught in Janssen in order to simplify the programming of the microcontroller in Janssen.

With respect to claim 2 Janssen does teach the use of the second switch, however the placement in the control unit would have been obvious to one of ordinary skill in the art at the time of the invention to keep the switch close to the controller to keep the voltage required close the switch low.

With respect to claim 3 Janssen teaches resistance network is embodied as a voltage divider.

With respect to claim 7 Janssen teaches the control device comprises a memory unit (see column 8 lines 20-35) in which the required voltage values assigned to the relevant resistance encoding are stored.

With respect to claim 8 Janssen teaches the control device comprises a control unit for control of the motor vehicle's starter and/or is connected with a control of the starter and/or the motor control of the motor vehicle.

With respect to claim 9 Janssen teaches the first and/or the second switch is/are embodied as a high-side switch.

With respect to claim 10 the method steps recited in the claim are inherently necessitated by the device structure as taught by the Janssen as applied to claim 1.

With respect to claim 11 Janssen teaches outputting an enable signal to the starter control putting the motor vehicle into operation will be blocked if the comparison reveals that the stored voltage values do not match the corresponding recorded voltage values and it is concluded from the recorded voltage values that there has been unauthorized short circuiting (intruder attempting to defeat the system) of the ignition or the starter.

With respect to claim 12 Janssen teaches a microcontroller capable to be programmed, however Janssen does not teach generation of an error signal however the use of alarms and alert or error signals are well know in vehicle security and it would have been obvious to one of ordinary skill in the art at the time of the invention to output an signal in the condition the threshold value is not met in order to warn away the intruder.

With respect to claims 13 and 17 Janssen teaches An anti-theft device for protecting a motor vehicle, comprising: a resistance network (item 41) arranged comprising elements with a defined resistance encoding and a first switch (item 31), and a control unit (item 46 also taught to be a microcontroller see column 7 lines 35-45) arranged in a motor vehicle, which comprises a diagnosis and evaluation unit which is connected to at least one tap (item 51) of the resistance network and which, evaluates the voltage drops over the elements of the resistance network and, depending on this, makes a distinction between a correct Access authorization, a fault in the energy supply

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or the first line, and an external manipulation of the identification device holder. Janssen does not teach the use of the second switch to enable the measurements of the resistor values. Janssen instead teaches in column 7 lines 35-45 the microprocessor is used to sample the voltage signal output from the resistor and compare the sample voltage to the expected. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Janssen to use a hardware switch in the place of the software sampling taught in Janssen in order to simplify the programming of the microcontroller in Janssen.

With respect to claim 14 Janssen does teach the use of the second switch, however the placement in the control unit would have been obvious to one of ordinary skill in the art at the time of the invention to keep the switch close to the controller to keep the voltage required close the switch low.

With respect to claim 15 Janssen teaches resistance network is embodied as a voltage divider.

With respect to claim 18 Janssen teaches the control device comprises a memory unit (see column 8 lines 20-35) in which the required voltage values assigned to the relevant resistance encoding are stored.

With respect to claim 19 Janssen teaches the control device comprises a control unit for control of the motor vehicle's starter and/or is connected with a control of the starter and/or the motor control of the motor vehicle.

With respect to claim 20 Janssen teaches the first and/or the second switch is/are embodied as a high-side switch.

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Claims 4-5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over Janssen (U.S. Pat. 6,958,551) in view of Hanisko et al. (U.S. Pat. 4,804,856)

With respect to claim 5 and 16 Janssen teaches the use of a typical resistor. As applicant points out in page 7 of the specification the modification of the resistor may be accomplished during a visit to the workshop, one of ordinary skill in the art may similarly adjust the resistance values of the Janssen in a similar manner. Hanisko also teaches the use of removable resistors (i.e. adjustable). It would have been obvious to one of ordinary skill in the art at the time of the invention to change or adjust the resistor(s) used in Janssen in order to repair or change the resistor encoded signal.

With respect to claim 4 Janssen teaches the resistance network comprises a resistor, which is arranged in the coded-signal circuit, which is arranged in the vehicle module, which may be part of the control unit of Janssen. Janssen does not teach the use of a second resistor arranged in the identification device holder. Janssen the of multiple resistor in the resistor network would have been obvious to one of ordinary skill in the art at the time of the invention to use more than one resistor as seen in Hanisko in order to increase the security of the system.

### ***Conclusion***



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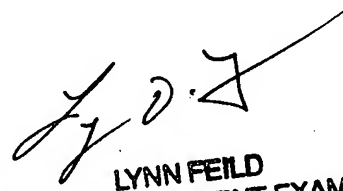
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Drew (U.S. Pat. 5,612,578), Hanisko et al. (U.S. Pat. 6,958,551) and Janssen.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Rutland-Wallis whose telephone number is 571-272-5921. The examiner can normally be reached on Monday-Thursday 7:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MRW

  
LYNN FEILD  
SUPERVISORY PATENT EXAMINER